

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES W. SCHOLLMAYER,

Plaintiff,

vs.

ALAN BACON, et al.,

Defendants.

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4:06cv3093

MEMORANDUM AND ORDER

It appears to the court that this case has been abandoned, as the plaintiff has failed to notify the court of his current address, and mail from the court addressed to the plaintiff has been returned as undeliverable, with the plaintiff's location unknown. As the court has advised him before, the plaintiff has a continuing obligation to keep the court informed of his current address at all times while this case is pending, and failure to do so can result in dismissal. In an Order to Show Cause, the court gave the plaintiff a deadline to notify the court of any reason he may have why this case should not be dismissed as abandoned, and the court warned the plaintiff that, absent a timely and sufficient response, this case would be subject, without further notice, to dismissal without prejudice for lack of prosecution.¹ There has been no response from the plaintiff, and now the deadline has expired. Therefore, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

March 28, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."